

REPORT TO: Halton-Hamilton Source Protection Committee
REPORT NO.: SPC-20-12-06
FROM: Chitra Gowda, Senior Manager, Watershed Planning and Source Protection
cgowda@hrca.on.ca
DATE: November 27, 2020
SUBJECT: Source Water Protection Program Update

Recommendation

THAT the Halton-Hamilton Source Protection Committee **receive for information the Staff report Source Water Protection Program Update**

Executive Summary

The report provides several source water protection program updates of importance and relevance to the Halton-Hamilton Source Protection Committee (HHSPC). It supports a few of the tasks of the Workplan for Comprehensive Review and Update of the Halton Region and Hamilton Region Source Protection Plans per *Clean Water Act, 2006* - Section 36.

Report

Remembering Glenn Powell

The HHSPC and staff were saddened to learn about the passing of Glenn Powell. Glenn was one of the first members of the HHSPC and contributed greatly to the development of the assessment reports and source protection plan. Glenn was also an active member on several other committees supporting conservation and other efforts. The region website was updated to pay tribute to Glenn <http://www.protectingwater.ca/news.cfm?itemid=4806>

Environmental Registry of Ontario

This section provides information on relevant postings made on the Environmental Registry of Ontario (previously called the Environmental Bill of Rights) at <https://ero.ontario.ca/>

Proposed amendments to the Clean Water Act Technical Rules

The Director's Technical Rules made under the *Clean Water Act, 2006* ("technical rules") provide the overarching technical methodologies by the province, that are applied to local scientific data and information by source protection authorities and committees. The province of Ontario proposed more changes to the technical rules through the Environmental Registry of Ontario posting #019-2219: "Proposed amendments to the Director's Technical Rules made under section 107 of the Clean Water Act, 2006", available online at <https://ero.ontario.ca/notice/019-2219>. This posting was open to public consultation for a period of 90 days that ended on November 9, 2020. Staff analysed the changes and circulated these to the HHSPC for feedback. As described in SPC Report 20-12-07, staff provided comments on this posting.

Proposed project list for comprehensive environmental assessments (EA)

The province of Ontario consulted on a proposed list (the Comprehensive EA Project List) of projects that will be subject to the new comprehensive environmental assessment of the EA Act (Part II.3) through a regulation. This proposal was posted on the registry at <https://ero.ontario.ca/notice/019-2377> for a 60 day period that ended November 10, 2020. Conservation Halton provided comments, including those related to drinking water source protection as follows. Several activities on the proposed list such as waste disposal and mining may be prohibited or managed in limited areas through mandatory, drinking water related policies under *Clean Water Act* source protection plans. Applicable source protection plan policies are based on separate criteria that do not match the proposed thresholds. Therefore, it is suggested that general information about the *Clean Water Act* source protection plans should be included in guidance to proponents, such that they are made aware of the possibility of applicable prohibition or management policies. As well, due consideration should be given to environmental impacts, such as those from road salt, for highway and expressway extensions that are proposed to not be subject to a comprehensive environmental assessment.

Proposal to streamline permissions for certain low risk short-term water taking activities

The province of Ontario consulted on proposed regulatory changes under the Environmental Protection Act and Ontario Water Resources Act to streamline permissions for certain low risk short-term water taking activities. This proposal was posted on the registry at <https://ero.ontario.ca/notice/019-2525> for a 45 day period that ended November 20, 2020. Conservation Halton provided detailed comments, including those related to drinking water source protection, per **Attachment 1**.

Halton Region Official Plan Review

A review of the Region of Halton's Official Plan (ROP) commenced in 2014. Phase 2 of the review is currently underway and has involved background research, technical analysis and the development of five discussion papers related to Rural and Agricultural System, Natural Heritage, Regional Urban Structure, Climate Change and North Aldershot Planning Area. Conservation Halton staff has engaged with Regional staff throughout the ROP review process, as a member of the Halton Area Planning Partnership (HAPP).

Conservation Halton staff reviewed all five discussion papers and responded to the discussion questions in each paper. Staff's review and comments focused on topics including natural hazards, natural heritage, water resources, source protection and climate change. It was presented to the Conservation Halton Board through Report #CHBD 07 20 03 (October 22, 2020 meeting). It is also provided as **Attachment 2** to this report to the HHSPC.

Proposed Changes to the Conservation Authorities Act

The Province's proposed changes to the Conservation Authorities Act (CA Act) were released on November 5, 2020 in the 2020 Ontario Budget (Bill 229). Some of the proposed amendments are of a significant concern to CAs. Read more from Conservation Halton here: <https://conservationhalton.ca/media-releases/cause-for-alarm-over-proposed-changes-to>

the-conservation-au and from the Hamilton Conservation Authority here: <https://conservationhamilton.ca/hcas-preliminary-response-to-the-provinces-proposed-changes-to-the-conservation-authorities-act/>. The request to remove the proposed changes to the CA Act has received significant support from organizations and citizens throughout Ontario. Numerous articles, letters, municipal council resolutions, etc. of support can be read here: <https://bit.ly/33lC4yl>. Staff have also requested the province for information about how the changes relate to the drinking water source protection program and are waiting for a response.

Source Protection Committee Member Recruitment Update

Industrial-commercial sector representative

In September 2020, the Source Protection Management Committee, Hamilton Region Source Protection Authority Board, and the Halton Region Source Protection Authority Board endorsed the appointment of Sarah McQuaig as the industrial-commercial representative on the HHSPC. We welcome Sarah to the HHSPC! Sarah is the Manager, Environment, Health and Safety for Suncor Energy's Operations & Logistics business area. With over 20 years of experience, Sarah has extensive knowledge of provincial and federal environmental legislation, as well as programs and policies related to compliance and reporting. Sarah is experienced in collaborating with government, industry and stakeholders on environmental matters.

Health liaison

Tony Colaco, Public Health Inspector from the Halton Region public health unit, was the health liaison for several years and his participation was much appreciated. In September 2020, staff contacted the City of Hamilton Public Health Services and the Halton Region public health unit to fill the health liaison position on the committee. With support from the office of Councillor Judi Partridge, in October 2020 the City of Hamilton Public Health Services appointed Dr. Bart Harvey (Associate Medical Officer of Health, City of Hamilton Public Health Services) as the HHSPC health liaison, and Richard MacDonald (Manager, Food and Water Safety, City of Hamilton Public Health Services) as the alternate. We welcome Bart and Richard!

General public representative

Late in October, staff posted a notice as required by the legislation to fill the general public member position on the HHSPC. The member recruitment process is underway and staff will provide a report to the Source Protection Management Committee, and Board of Directors of the Source Protection Authorities in 2021.

Working Groups

The program manager is a member of source water protection related working groups. A brief introduction to the groups is provided below. Matters of importance are reported to the HHSPC.

Halton-Hamilton implementation group

This is a group of HHSPR staff and municipal staff to work together on priority matters including S. 36 source protection plan updates, transport pathways notifications, and consultant inquiries related to source protection planning. It was decided that monthly meetings were needed especially through the S. 36 update process. Therefore meetings were held on: September 22, 2020, September 24, 2020, October 26, 2020 and Nov. 12, 2020. Topics discussed included the proposed changes to the technical rules, business process for reviewing applications for contaminant transport pathways, policy implementation challenges, and annual progress reporting changes.

Lake Erie Source Protection Region Groups

Working collaboratively with the Lake Erie Region will support the HHSP S.36 workplan.

a) Implementation working group

This is a group focussed on source protection plan implementation within the neighbouring Lake Erie source protection region. Matters of common interest include S. 34 updates and draft policies for municipalities that span both source protection regions.

b) Project team for Guelph-Guelph/Eramosa

The draft wellhead protection area – quantity (WHPA-Q) for the City of Guelph drinking water system of Guelph-Guelph/Eramosa extends into the HHSPR in Morriston, Township of Puslinch. The Lake Erie program manager provides information updates to HHSPR, and the estimated timeline for developing draft policies is early 2021.

As described earlier in this report, the province has consulted on a proposal to streamline permissions for certain low risk short-term water taking activities through the Environmental Registry <https://ero.ontario.ca/notice/019-2525>, for a 45 day period that ended November 20, 2020. Municipal staff have asked the province about whether the proposed approach would be applicable within wellhead protection areas for water quantity stressed areas (WHPA-Qs). At the November 20, 2020 meeting of the Lake Erie project team for Guelph-Guelph/Eramosa, there were discussions about whether there is the need for a source protection plan policy to notify municipalities about Environmental Activity and Sector Registry (EASR) activities of short term construction dewatering and low risk pumping tests proposed within WHPA-Qs.

Section 34 Source Protection Plan Update

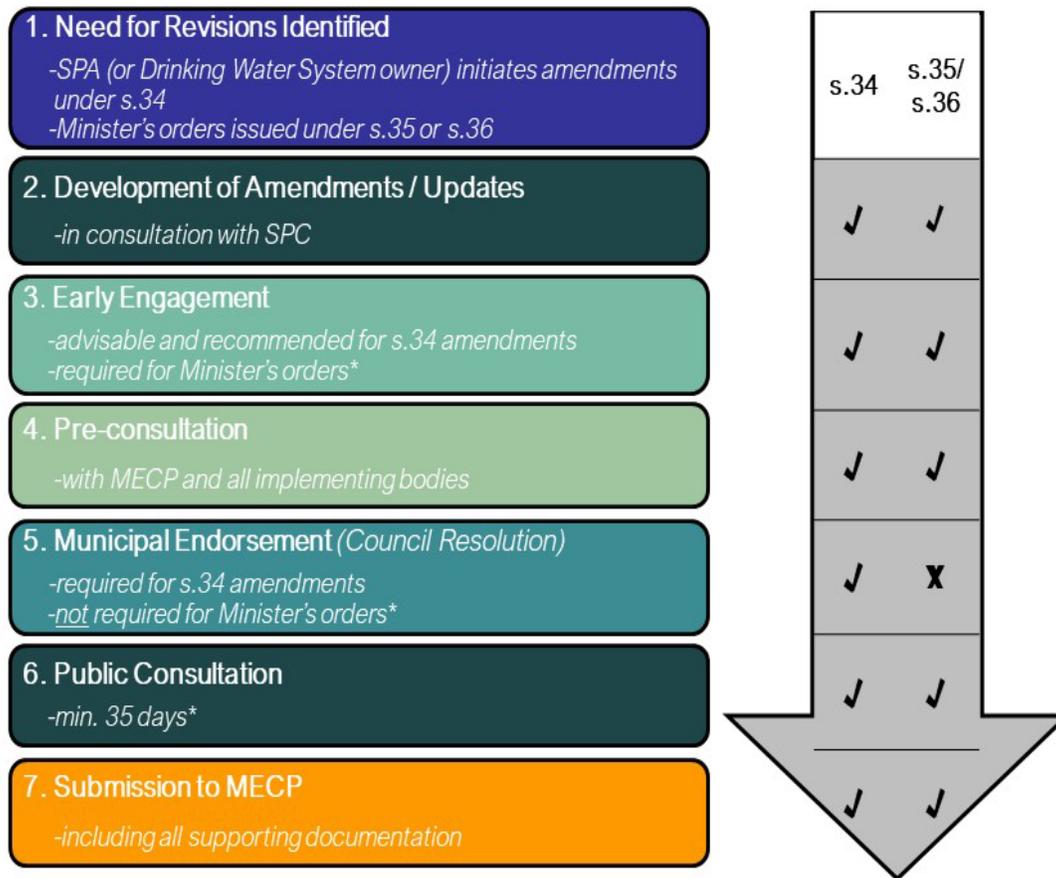
A S. 34 update is initiated by a source protection authority per the *Clean Water Act*. Regulatory changes to the *Clean Water Act* and *Safe Drinking Water Act* in 2018 resulted in a modified business process around new or changing municipal residential drinking water systems, to ensure early source protection planning.

As described in SPC-2020-09-01 presented to the HHSPC in September 2020, the S. 36 workplan for Halton-Hamilton notes the anticipation of source protection planning work for the City of Hamilton Freelon groundwater well supply system. The S. 36 workplan also notes

that in order to expedite the treated water supply process per regulatory changes made in 2018, a plan update under S. 34 of the Clean Water Act will be proposed by the source protection authorities.

The City of Hamilton retained EarthFx Inc. consulting services to undertake the required WHPA re-delineation technical study. This study was provided to the Ministry of the Environment, Conservation and Parks (MECP) for early feedback, which was obtained. Responses from the City of Hamilton on the feedback from MECP have since been sent to MECP. The HHSPP is coordinating the process.

S. 36 Consultation Process



*Note: unless otherwise specified in Minister's order

Figure 1: Assessment Report and Plan Revision Process under the Clean Water Act (MECP, October 2019)

The **Figure 1** above provides an overview of the consultation process being followed by HHSPP, for undertaking updates to the source protection plan. See **Attachment 3** for more information.

Annual Progress Reporting Changes

The MECP had made changes to the annual progress reportables at the end of August. Based on feedback from municipalities, most of those changes were reverted. The changes that remain were provided by MECP at the end of October 2020, as summarized below:

- **New Reportable#33:** This new reportable is included for source protection authorities (SPAs) to indicate progress made in establishing risk management plans (RMPs) to address existing significant drinking water threat activities in relation to the total number of RMPs needed. The goal is to better understand the progress that is being made towards having all required RMPs established to address existing significant drinking water threats within a particular SPA.
- **Modified Reportable#60:** This reportable was modified to allow for SPAs to provide a general overview of inspections that are conducted for section 57 prohibition and section 58 risk management plan activities along with a summary of inspection results. An optional component has also been included for SPAs to share any insights gained about the compliance process.
- **Removed Reportable #230:** This reportable is being eliminated since the methods used to implement education and outreach (E&O) policies by the SPAs are not likely to change year after year. However, if SPAs wish to identify or highlight an E&O method not previously identified in their region/area, they may include these new methods in reportable #300 which is a place to showcase positive impact examples.

Road Salt Management and Presentation to the Association of Municipalities of Ontario

Ontario's Clean Water Act source protection plan policies include mandatory policies to manage road salt application and storage, where they pose a significant level risk to municipal drinking water sources. Policy implementation is well underway. However, road salt continues to impact not only drinking water sources but aquatic life, while also causing infrastructure damage and other impacts. Climate change is expected to exacerbate these impacts. At the same time, it is recognised that road salt is necessary for the safety of the public during winter conditions. This emerging issue was highlighted in the Made In Ontario Environment Plan, which includes several actions to manage road salt impacts.

The Association of Municipalities of Ontario (AMO), at its Board of Directors meeting in September 2020, invited Chitra Gowda, Senior Manager, Watershed Planning and Source Protection and Martin Keller, Source Protection Program Manager for the Grand River Conservation Authority to present on this matter. Chitra and Martin spoke about the need for a review of Ontario's liability framework, training for third party contractors, use of techniques that optimize road salt usage, watershed monitoring, and several other considerations. In response, AMO will seek cooperation from several Ontario ministries to make sure that road salt can be used in a manner that balances public safety, source water protection and municipal liability.

To effectively manage the environmental, social and economic impacts of road salt, a broader watershed management approach is necessary. Staff will continue to discuss with

municipalities and enhance awareness of the issue and solutions through 2021. Staff will provide a presentation on this matter to the HHSPC at its meeting in March 2021.

Signed & respectfully submitted:

Chitra Gowda

Chitra Gowda, Senior Manager
Watershed Planning and Source Protection
cgowda@hrca.on.ca

Attachments

- **Attachment 1: Proposed amendments to regulations made under the Environmental Protection Act and Ontario Water Resources Act to make modifications to Environmental Activity and Sector Registry requirements and exemptions for low risk short-term water taking activities. ERO No. 019-2525.**
- **Attachment 2: Halton Region Official Plan Review: Conservation Halton Discussion Paper Comments. CH File: MPR 734. Report CHBD 07 20 03 to Conservation Halton Board of Directors. October 22, 2020 <https://conservationhalton.ca/board-of-directors>**
- **Attachment 3: Source Protection Planning Bulletin – Overview of Requirements for Plan and Assessment Report Amendments and Updates under sections 34, 35 and 36 of the Clean Water Act. Ministry of the Environment, Conservation and Parks, October 2019**



905.336.1158
Fax: 905.336.7014
2596 Britannia Road West
Burlington, Ontario L7P 0G3
conservationhalton.ca

Protecting the Natural
Environment from
Lake to Escarpment

November 9, 2020

Juwairia Obaid, P.Eng.
Senior Program Advisor
Ontario Ministry of the Environment, Conservation and Parks
Client Services and Permissions Branch
Environmental Assessment and Permissions Division
135 St Clair Ave W
Toronto, ON M4V 1P5
Email: Juwairia.obaid@ontario.ca

BY EMAIL

Dear Juwairia,

RE: Proposed amendments to regulations made under the Environmental Protection Act and Ontario Water Resources Act to make modifications to Environmental Activity and Sector Registry requirements and exemptions for low risk short-term water taking activities
ERO No. 019-2525
CH File No.: PPO O60

Thank you for the opportunity to provide comments on the Province's proposed amendments to regulations made under the *Environmental Protection Act* and *Ontario Water Resources Act* to make modifications to Environmental Activity and Sector Registry requirements and exemptions for low risk short-term water taking activities.

Conservation Halton (CH) supports efforts to streamline permissions for certain low risk short-term water taking activities. CH comments are provided below, organized into three parts: general comments, proposed amendments to regulations made under the *Environmental Protection Act*, and proposed amendments to regulations made under the *Ontario Water Resources Act*.

General comments

The relevance between the proposed requirements and exemptions for low risk short-term water taking activities and the proposed provincial water quantity management framework should be discussed and clarified.

Proposed amendments to regulations made under the Environmental Protection Act

a) Proposed Regulatory Requirements for New Prescribed Activity: Pumping Tests

Activity Requirements: In addition to ensuring that discharged water does not cause scouring, erosion or the physical alteration of stream channels or banks, it is recommended to require that discharged water does not cause the alteration of natural features in general. The discharge plan should also consider water quality issues to protect the discharge location. CH agrees with the notification protocol and the requirement of a contingency plan.

b) Proposed Modifications to Regulatory Requirements for Construction Site Dewatering

Modifications to Eligibility Criteria: A rationale should be provided to explain the proposed amount of groundwater taking limit of 400,000 L/day per individual dewatering pit, as this is a significant change from the current overall combined taking limit of 400,000 L/day for multiple pits at a construction site. CH agrees with the cap on water taking where areas of influence could overlap. It is recommended that screening also be required for known water-quantity stressed areas, to consider potential cumulative impacts including those outside of overlapping areas of influence. It is recommended that the location of sensitive features and watershed boundaries be considered. The discharge locations should be in proximity to water taking locations. This helps to ensure that sensitive features that rely on the water are not affected by the water taking. The recharge of the water should be achieved within the same watershed.

Modifications to Activity Requirements: CH agrees with the notification protocol although it is recommended to retain the notification requirement for CAs if the discharge point is within 30 m of a waterbody due to potential flooding issues and public inquiries. CH agrees with the requirement of a contingency plan. The requirements for the discharge report are proposed to be modified considerably. It is recommended that the discharge plan be required to ensure that discharge will not result in any adverse impacts to the environment. It is recommended that the current requirements not removed. For example, the current requirement to not discharge within a *Clean Water Act* wellhead protection area – A (WHPA-A) should be retained.

c) Modifications to Regulatory Requirements for Road Construction

Modifications to Activity Requirements: It is recommended to retain the notification requirement for CAs if the discharge point is within 30 m of a waterbody due to potential flooding issues and public inquiries.

**Proposed amendments to regulations made under the Ontario Water Resources Act
New Exempt activity: Well Development**

It is recommended that discharge water quality be addressed (and not exempted from consideration), along with recharge within the watershed.

CH appreciates the opportunity to support and provide comments on the to regulations made under the *Environmental Protection Act* and *Ontario Water Resources Act* to make modifications to Environmental Activity and Sector Registry requirements and exemptions for low risk short-term water taking activities. If you have any questions, please contact Chitra Gowda, Senior Manager, Watershed Planning and Source Protection, email: cgowda@hrca.on.ca phone: 905-336-1136 x2237.

Regards,

A handwritten signature in black ink that reads "Barbara Veale". The signature is written in a cursive, flowing style.

Barbara J. Veale, PhD, RPP, MCIP
Director, Planning and Watershed Management

REPORT TO: Conservation Halton Board of Directors

REPORT NO: # CHBD 07 20 03

FROM: Barbara J. Veale, Director, Planning & Watershed Management

DATE: October 22, 2020

SUBJECT: Halton Region Official Plan Review: Conservation Halton Discussion Paper Comments
CH File: MPR 734

Recommendation

THAT the Conservation Halton Board of Directors **endorse the staff report entitled “Halton Region Official Plan Review: Conservation Halton Discussion Paper Comments”;**

And

THAT the Conservation Halton Board of Directors **direct staff to send the report entitled “Halton Region Official Plan Review: Conservation Halton Discussion Paper Comments” to the Region of Halton, the local Halton Area municipalities and conservation authorities.**

Executive Summary

A review of the Region of Halton’s Official Plan (ROP) commenced in 2014. Phase 2 of the review is currently underway and has involved background research, technical analysis and the development of five discussion papers related to Rural and Agricultural System, Natural Heritage, Regional Urban Structure, Climate Change and North Aldershot Planning Area. Conservation Halton staff has engaged with Regional staff throughout the ROP review process, as a member of the Halton Area Planning Partnership (HAPP).

CH staff has reviewed all five discussion papers and has responded to the discussion questions in each paper. Staff’s review and comments focused on the areas that fall within CH’s areas of expertise and on matters of interest to CH, including topics related to natural hazards, natural heritage, water resources, source protection and climate change. Staff recommends that the CH Board of Directors endorse Report No. CHBD 07 20 06.

Report

Background

Halton Region’s Official Plan (ROP) review commenced in 2014. Phase 1 of the ROP review was completed in 2016 and included the establishment of key directions and a work plan.

Phase 2 of the ROP review is currently underway. Phase 2 involved on background research, technical analysis and the development of discussion papers related to key themes of the ROP review. Five discussion papers have been prepared on the following topics: [Rural and Agricultural System](#), [Natural Heritage](#), [Regional Urban Structure](#), [Climate Change](#) and [North Aldershot Planning Area](#). The discussion papers explore issues related to each of these topic areas and options for how the ROP could address issues and achieve conformity with the Provincial Plans and Provincial Policy Statement (PPS). These reports are available on Halton Region's website.

Regional Council endorsed the discussion papers for public release at the Regional Council meeting on July 15, 2020. The Region is currently undertaking a broad public consultation on the discussion papers until the end of October 2020.

Conservation Halton (CH) staff has engaged with Regional staff throughout the Regional OP review process, as a member of the Halton Area Planning Partnership (HAPP). Staff will continue to participate in HAPP reviews and technical meetings throughout the OP review and will keep the Board of Directors apprised of progress at critical milestones.

Key comments

CH staff has reviewed the discussion papers and has responded to the discussion questions raised in each paper (Attachment A). Staff's review and comments were focused on the areas that fall within CH's areas of expertise and on matters of specific interest to CH, including topics related to natural hazards, natural heritage, water resources, source protection and climate change. Key comments for the Region to consider as part of the ROP review are:

1. ROP natural hazard policies should be strengthened.

The current ROP policies are limited and focused on flooding. Through the ROP review, there is an opportunity to strengthen and develop broader policies to address all natural hazards, as identified in Section 3.1 of the PPS. At a minimum, CH staff recommends ROP policies include clear language that identifies natural hazards as a constraint, whether mapped or not, and directs the reader to the appropriate Conservation Authority's regulatory mapping and local Official Plans/zoning by-laws as a source of information. ROP policies should also guide the user to consult with and conform to conservation authority (CA) regulatory policies, as they relate to development in and adjacent to hazard lands (excluding wildfire hazards). CA regulatory policies direct how and where development can proceed as it relates to hazard lands. Opportunities exist for the ROP to support CA policies and promote CA consultation.

CAs have the delegated responsibility to represent the Province on the natural hazard policies of the PPS (3.1.1-3.1.7 inclusive). These delegated responsibilities require CAs to review and provide comments on municipal policy documents (Official Plans and comprehensive zoning by-laws) and applications submitted pursuant to the *Planning Act*, as part of the Provincial One Window Plan Review Service. It is recommended that CH staff be actively engaged in the development of natural hazard policies of the ROP.

2. CH's Floodplain Mapping Program can support planning decisions.

In 2018, CH embarked on a renewed Floodplain Mapping Program. New technologies and tools offer opportunities to provide more accurate depiction of flood hazards. This information is used to support CH's regulatory program and planning decisions, as well as infrastructure planning, design and maintenance, flood forecasting and warning, emergency planning and response and prioritization of flood mitigation efforts. It also provides an opportunity for CH, the Region and local municipalities to work collaboratively to identify priority areas to be mapped, such as new growth areas (e.g., MTSA boundary delineation, settlement area expansions) or areas of concern. CH will engage with municipal planning staff in this regard.

3. CH has data and expertise that can support the identification of a Water Resources System and the development of source protection related policies and mapping.

Given CH's roles as a watershed management agency, regulatory authority, and Source Protection Authority (SPA), CH has data and expertise that would benefit the Region in the identification of a Water Resources System (WRS), as required in the Provincial Plans, and as it relates to source water protection. CH staff would be pleased to provide support to the Region in the development of WRS and source protection mapping or policies.

Under the *Clean Water Act*, CH was designated the lead SPA for the Halton-Hamilton Source Protection Region. In 2019, CA roles and responsibilities in source water protection were further reinforced, when the *Conservation Authorities Act* was amended to prescribe source protection as a mandatory program and service for CAs to deliver. In 2021, CH will be updating the Halton-Hamilton Source Protection Plan, as well as the underlying science. The Plan update will support continued protection of Lake Ontario and groundwater aquifer sources of municipal drinking water and consider changing landscape uses and activities, climate change and new water sources, among other things. CH staff will continue to engage municipalities throughout the Plan update process to ensure that any changes are addressed in the ROP.

4. ROP policies and a corporate strategy will help Halton respond to climate change.

CH supports the Region's intention to develop climate change policies in the ROP that can be implemented through land use planning and sees opportunities to embed climate change mitigation and adaptation direction throughout the ROP, including within the natural heritage, natural hazard, water/source water sections of the ROP. Maintaining and enhancing policies related to watershed planning and natural assets/green infrastructure would also strengthen the Region's approach to addressing the impacts of climate change. The Region should consider developing a corporate Climate Change Strategy to address climate change corporate mitigation and adaptation actions that fall outside of the land use planning arena.

5. CAs are important partners for the development of a Regional Natural Heritage Strategy.

The CAs that have jurisdiction in Halton should be recognized as key partners in helping the Region develop a Regional Natural Heritage Strategy, particularly given that CAs deliver numerous programs and services that support the Region's vision and objectives (e.g., environmental education, environmental monitoring, stewardship, land securement, protection of greenspaces). Furthermore, CAs have decades monitoring data and expertise that can help support such initiatives.

Next Steps

Consultation on the discussion papers will conclude at the end of October 2020. Phase 3 of the Regional Official Plan review will focus on the development of policy directions including a draft amendment to the ROP. There will be additional opportunities for public engagement throughout the Regional Official Plan Amendment process in Phase 3, which Conservation Halton staff will participate in and report to the Board of Directors at critical milestones.

Impact on Strategic Goals

This report supports the Metamorphosis strategic theme of Taking care of our growing communities. The theme is supported by the objective to remain dedicated to ecosystem-based watershed planning that contributes to the development of sustainable rural, urban and suburban communities.

Financial Impact

There is no financial impact to this report.

Signed & respectfully submitted:



Barbara Veale, PhD, MCIP, RPP
Director, Planning & Watershed Management

Approved for circulation:



Hassaan Basit
President & CEO/Secretary-
Treasurer

FOR QUESTIONS ON CONTENT:

Kellie McCormack, Associate Director, Planning & Regulations (905-336-1158 ext. 2228, kmccormack@hrca.on.ca)

Leah Smith, Manager, Environmental Planning (905-336-1158 x2235, lsmith@hrca.on.ca)

APPENDIX A: Regional Official Plan Review Discussion Paper Conservation Halton Comments

CH's specific comments on the five discussion papers in response to the questions posed by the Region within those documents are below:

Natural Heritage System Discussion Paper

Discussion Question	Response
<p>1. As required by the Growth Plan, the new Natural Heritage System for the Growth Plan mapping and policies must be incorporated into the Regional Official Plan. Based on options outlined in Section 3.3, what is the best approach in incorporating the NHSGP into the ROP?</p> <p>NOTE on options: Option 1 – Provide Separate Frameworks for Each Natural Heritage System Option 2 – Harmonize the Provincial Natural Heritage Systems Option 3 – Create an updated Regional Natural Heritage System that incorporates the Provincial Natural Heritage Systems</p>	<p>Conservation Halton (CH) recommends Option 2 or 3. Any opportunity to harmonize Natural Heritage System (NHS) policy frameworks would be helpful to the end user, where possible. Harmonized policies would be applicable to all NHS areas, regardless of what provincial plan policies may apply. However, CH acknowledges that for both Options 2 and 3, different sets of policies would be also required for each area, in addition to the harmonized policies, where provincial plans have different minimum standards (e.g., Vegetation Protection Zones).</p>
<p>2. RNHS policies were last updated through ROPA 38. Are the current goals and objectives for the RNHS policies still relevant/appropriate? How can the ROP be revised further to address these goals and objectives?</p>	<p>CH recommends the following new/amended objectives related to the NHS be included in the ROP:</p> <ul style="list-style-type: none"> • A general goal/objective(s) that speaks to the various approaches to NHS management (e.g., protection, restoration, enhancement) that is to be employed based on context. For example, objectives for NHS management may differ depending on whether it is an urban, greenfield or rural context. • New objective(s) (and related policies) on the Cootes to Escarpment EcoPark system (see Question 7). • New objectives (and related policies) to introduce the concept of ecosystem services/natural assets infrastructure. • Regarding the existing objective: "To preserve the aesthetic character of natural features." CH recommends that this objective be further qualified to underscore the ecological and hydrologic function is a first principle over aesthetic objectives. e.g., "To preserve the aesthetic character of natural features ...in a manner that supports the ecological and hydrologic function of the features." • New goal related to the precautionary principle (see Question 3).
<p>3. Based on the discussion in Section 4.2, to ease the implementation of buffers and vegetation protection</p>	<p><u>Precautionary Principle</u> CH supports the inclusion of the term "precautionary principle" in the ROP.</p>

Discussion Question	Response
<p>zones, should the Region include more detailed policies describing minimum standards?</p> <p>NOTE on options: Precautionary Principle Option 1: Include Policy Direction Option 2: Maintain Current Approach</p> <p>Buffers and Vegetation Protection Zones Option 1: Include Policies in the ROP Option 2: Do Nothing</p>	<p>While the current ROP policies support an approach to the protection of natural heritage that is grounded in the precautionary principle (i.e., faced with uncertainty, fault on the side of being conservative in the protection of natural heritage components), in practice there have been implementation challenges with the application of the precautionary principle in Subwatershed Studies and site specific Environmental Impact Studies.</p> <p>Identifying the precautionary principle in the vision and/or goals of the ROP, in combination with implementation guidance through various ROP guidelines, would assist with the implementation of the principle.</p> <p><u>Buffers and Vegetation Protection Zones (VPZ)</u></p> <p>CH recommends Option 1, to include buffer and VPZ policies in the ROP, subject to the following considerations:</p> <ul style="list-style-type: none"> • Identify minimum VPZ as per provincial policies but avoid significant detail or a prescribed VPZ in the Official Plan, as a one-size-fits-all VPZ would not be appropriate across all sites or areas across the Region (i.e., urban properties/areas may require different VPZ than rural properties/areas). • Instead of a prescribed VPZ, guidance for establishing a VPZ should be provided through publicly consulted documents such as Subwatershed Study and/or EIA guidelines. These types of guidance documents could provide additional guidance about how to best evaluate and establish buffer widths. This would allow for flexibility and to address site specific information acquired through the application process (i.e. the type of development that is proposed, the sensitivity of the features, site specific ecological data, etc.). • The ROP should ensure there is clarity on terminology and distinguish between VPZ (Provincial Plans), buffers (Regional OP), and regulatory allowances and other areas adjacent to wetlands (Conservation Authorities Act/Regulations). These terms should not be used interchangeably, as they are all defined differently and may provide different functions.
<p>4. Given the policy direction provided by the PPS and Provincial plans, how should policy and mapping address the relationship between natural heritage protection and agriculture outside of the Urban Area or the Natural Heritage System? Options are provided in Section 5.3.</p> <p>NOTE on options: Option 1: Prime Agricultural Area with NHS Outside Key Features overlay and NHS Key Features overlay Option 2: Prime Agricultural Area and Key Features are designated with a Natural Heritage System overlay. Key Features that overlap with the Prime Agricultural Area are cut</p>	<p>Option 2 is recommended.</p> <p>In rural areas, CH supports the use of a land use designation for the key features of the NHS used in conjunction with an overlay, to conform with the latest provincial policies, and to solve some practical challenges of implementing the NHS. A NHS designation applied to key features, paired with an overlay that triggers the need for detailed study in other areas of the system, is an effective tool to demonstrate support for agriculture in rural areas and counter any perceptions that the ROP is not supportive of agriculture and/or that environmental regulations have expanded too far, while still ensuring the natural environment is protected.</p>

Discussion Question	Response
<p>out of the Prime Agricultural Area and incorporated into the Key Features Designation.</p> <p>Option 3: Prime Agricultural Area and Key Features are designated with Natural Heritage System overlay. Key Features that overlap with the Prime Agricultural Area are designated separately as “Key Features in Prime Agricultural Area.”</p> <p>Option 4: Sustainable Halton – Existing Policy and Mapping Approach.</p>	<p>In urban areas, it is recommended that other NHS lands (i.e., linkages, buffers, enhancements) be included as part of the land use designation once the limits of these areas are confirmed through a detailed site-specific study, such as an EIA or equivalent.</p>
<p>5. The Greenbelt Plan 2017 and Growth Plan 2019 require municipalities to identify Water Resource Systems (WRS) in Official Plans. Based on the two (2) options provided in Section 6.3, how should the WRS be incorporated into the ROP?</p> <p>NOTE on options: Option 1: Combine the NHS and WRS Option 2: Separate the NHS and WRS</p>	<p>Recommend Option 1, as it reflects the integrated nature of Natural Heritage and Water Resource Systems. As noted in the discussion paper, while common set of policies for Key Natural Heritage Features and Key Hydrologic Features can be developed, the ROP should also include separate policies pertaining to the two systems, as needed, and must include separate policies for Key Hydrologic Areas.</p> <p>Given CH's role as a watershed management agency, regulatory authority and source protection authority, CH has data and expertise that would benefit the Region in the identification of a Water Resources System (WRS). CH staff would be pleased to provide support to the Region in the development of WRS mapping or policies.</p>
<p>6. Preserving natural heritage remains a key component of Halton’s planning vision. Should Halton Region develop a Natural Heritage Strategy and what should be included in such a strategy?</p>	<p>CH supports the development of a Natural Heritage Strategy and the broad objectives identified in the discussion paper:</p> <ul style="list-style-type: none"> • restore habitat and increase forest cover through restoration and stewardship; • promote natural heritage education and community awareness; • secure greenlands and their linkages; • explore opportunities to mitigate climate change; and • promote and protect the natural environment. <p>The Conservation Authorities (CAs) that have jurisdiction in Halton should be recognized as key partners in developing a Natural Heritage Strategy, particularly given that CAs deliver numerous programs and services that support the Region’s vision and objectives highlighted above (e.g., environmental education, watershed-wide and site-specific environmental monitoring, stewardship, land securement, protection of greenspaces).</p> <p>The COVID-19 pandemic has highlighted the importance of providing public access to green and open spaces for recreation, health and wellness. Any Natural Heritage Strategy should also support the objective of promoting access to nature for recreational use, providing opportunities for residents to connect with nature for physical and mental health benefits and to develop an appreciation for and commitment to the protection of the NHS. The Strategy should also evaluate opportunities to better physically connect all green and open spaces throughout Halton.</p>

Discussion Question	Response
<p>7. Should the ROP incorporate objectives and policies to support/recognize the Cootes to Escarpment EcoPark System?</p>	<p>We support general objectives and policies to support and recognize the Cootes to Escarpment EcoPark System.</p> <p>Objectives related to supporting partnerships and strategies for promoting and supporting the EcoPark system could also be developed and the implementing policies could focus on lands securement. While the ROP could include high level supportive objectives and policies, the Natural Heritage Strategy referenced in Question 6, could act as a supportive tool to provide more detailed guidance.</p>
<p>8. The Regional Official Plan is required to conform to applicable Source Protection Plans and must be updated through this ROPR process. What is the best approach to address Drinking Water Source Protection policies and mapping?</p>	<p>As noted in the discussion paper, the ROP must conform to significant threat policies and Great Lakes designated policies, in accordance with the <i>Clean Water Act</i>.</p> <p>Source Protection Plan (SPP) policies applicable to vulnerable areas with the same policy implementation outcome could be grouped into “common” ROP policies to avoid redundancy. For example, the ROP could include one overarching policy to address the S. 59 - restricted land use policy of the SPP. We recognize that the three SPPs applicable to Halton Region may not have similar policy approaches and applicability, mainly due to unique watershed characteristics.</p> <p>The OP should include maps of drinking water vulnerable areas where significant threat policies apply. We recognize that this mapping may change during the life of the ROP for various reasons, such as Provincial requirements or new or expanded drinking water systems. As such, if possible, the ROP could refer to the necessary maps contained in the SPPs to ensure the policies will apply to the any new or updated maps approved by the Province. Alternatively, regular consolidations of the ROP would be required to update any source protection maps embedded in the ROP.</p> <p>Under the <i>Clean Water Act</i>, CH is designated the lead source protection authority for the Halton-Hamilton Source Protection Region. In 2019, CA roles and responsibilities in source water protection were further reinforced, when the Conservation Authorities (CA) Act was amended to prescribe source protection as a mandatory program and service for CAs to deliver. While the implementing regulations under the CA Act are not yet enacted, a major responsibility and current priority for 2021 will be for CH to update the Halton-Hamilton SPP, as well as the underlying science. The Plan update will support continued protection of Lake Ontario and groundwater aquifer sources of municipal drinking water and consider changing landscape uses and activities, climate change and new water sources, among other things. CH staff will continue to engage municipalities, the source protection committee and other drinking water stakeholders throughout the Plan update process. As mentioned in Comment #5 NHS Discussion Paper, CH has data and expertise that would benefit the Region in the development of source water protection related ROP policies and mapping. CH staff would be pleased to provide support to the Region, as requested.</p>

Discussion Question	Response
<p>9. The ROP is required to conform to the updated Natural Hazard policies in the PPS. What is the best approach to incorporate Natural Hazard policies and mapping?</p> <p>NOTE on options: Option 1: Create a separate Schedule in the ROP that maps the Natural Hazards. Option 2: On the RNHS schedule (Map 1G), show the Natural Hazards as an overlay. Option 3: Do not map Natural Hazard in the ROP but rather include additional policies to direct the Local Municipalities to map Natural Hazards in their Official Plans.</p>	<p>At a minimum, CH supports Option 3. ROP policies should include clear language that identifies natural hazards as a constraint, whether mapped or not, and directs the reader to CA Approximate Regulation Limit (ARL) (i.e. regulatory mapping) and local Official Plans/zoning by-laws as a source of information.</p> <p>ROP policies should also guide the user to consult with and conform to CA regulatory policies as they relate to development in and adjacent to hazard lands (excluding wildfire hazards). CA regulatory policies direct how and where development can proceed as it relates to hazard lands. As such, opportunities exist for the ROP to support CA policies and promote CA consultation.</p> <p>Notwithstanding the above, a hybrid approach to incorporating both natural hazard policies and mapping into the ROP, would also be supported, as it would ensure there is a visual representation of some natural hazards in the ROP.</p> <p>If Natural Hazards mapping is included in the ROP, CH suggests Option 1 to identify the hazard lands on a single schedule rather than an overlay. The NHS does not contain all hazard lands, nor was it intended to. In some instances, flood plains were included as a general proxy for ecological features and areas. While this is appropriate, there is often a misconception that all environmental constraints to development are encompassed within the NHS designation, and as such, hazards are not often well understood when decisions are being made regarding the purchase of land, or when studies are being undertaken in support of a planning process. A ROP natural hazards map would ensure that applicants and staff have an easy-to-access screening map to identify natural hazards early in the process.</p> <p>If Option 1 is carried forward, in addition to Option 3, we offer the following recommendations:</p> <ul style="list-style-type: none"> • In order to encompass all natural hazards (i.e., flooding, erosion and shoreline), Conservation Authority regulations and regulatory mapping should be used as a source of information; • As hazard mapping is updated frequently through Conservation Authority updates to the ARL, the ROP schedule should be updated at regular intervals through consolidations, or consider including the hazard mapping in an appendix that can be updated more frequently/easily; • It may be challenging to depict natural hazards at a Regional scale. Including a map panel for each local municipality may be more useful to the end user. • Indicate that mapping is approximate and subject to change, direct the reader to the policy section, and promote further consultation with the CA. <p>Refer also to Comment #4 under the Regional Urban Structure Review Discussion Paper.</p>

Discussion Question	Response
<p>10. How can Halton Region best support the protection and enhancement of significant woodlands, through land use policy?</p>	<p>CH staff concurs with the suggestion in the Discussion Paper that consideration should be given to refining the existing definition of woodland, in order to address issues identified in the Greenbelt Plan technical paper (e.g., “Woodlands experiencing changes such as harvesting, blowdown or other tree mortality are still considered woodlands. Such changes are considered temporary whereby the forest still retains its long-term ecological value”.)</p> <p>As noted in the paper, woodlands experiencing these changes still provide habitat for wildlife, as well as potential areas for enhancement to the NHS, and should continue to be assessed. The increasing frequency of extreme weather (e.g., ice storms), impacts from invasive species and urban environments will continue to impact woodlands, which will require increased efforts to protect, restore and enhance significant woodlands, particularly those experiencing mortality. This is especially critical in urban areas.</p> <p>The protection, restoration and enhancement of woodlands will also contribute to the goals identified in the Climate Change Discussion Paper.</p>
<p>11. Are there any additional considerations or trends that Halton Region should review in terms of the Natural Heritage component of the ROP?</p>	<p>CH staff recommends the Region address the following policy updates through the ROP Review:</p> <ul style="list-style-type: none"> • We recommend updating ROP policies to allow the Region to update NHS mapping outside of an MCR. As site specific studies are completed and NHS limits are revised through approved Planning Act applications, the updated mapping could be incorporated into the ROP through periodic consolidations. This would ensure the mapping remains up to date and based on the best information available. • Policy 118(2) a) should be broken into two points to separate Species at Risk and fish habitat from significant wetlands and significant coastal wetlands. This is to ensure that provincial Endangered Species Act approval for works within species at risk habitat are not misconstrued as representing provincial approval for works within Provincially Significant Wetlands, where the two features are coincident.

Climate Change Discussion Paper

Discussion Question	Response
<p>1. Have you felt the impacts of climate change on your community? What impacts are of most concern to you in the next 20 years?</p>	<p>The climate change impacts that are of most concern to CH relate to natural hazards, natural heritage and the source protection of drinking water.</p> <p>Climate change increases risk related to natural hazards. For example, the region is experiencing more frequent and intense storms. This results in increased risk of damage and destruction to property or infrastructure from flooding and erosion. Critical public</p>

Discussion Question	Response
	<p>infrastructure may not be designed to withstand the frequency, duration and/or intensity of these storm events.</p> <p>Climate changes also impacts the NHS. For example, climate change exacerbates thermal impacts to streams, which can render streams uninhabitable for sensitive species or species at risk. Climate change also results in increased impacts to woodlands and other natural areas, through increased introduction of invasive species and impacts to species diversity.</p> <p>Sources of drinking water are also impacted by climate change. For example, in Halton region, some municipal groundwater wells are showing elevated (and increasing) levels of chloride, likely from road salt. This could worsen with climate change, as longer or more intense winter conditions may lead to increased use of road salt.</p>
<p>2. How do you think the Regional Official Plan can help Halton respond to climate change? What mitigation and adaptation actions would you like to see embedded in the ROP?</p>	<p>Areas where the ROP can support to climate change mitigation and adaptation goals include:</p> <p><u>Natural Hazards</u></p> <ul style="list-style-type: none"> • Stronger natural hazard policies to ensure development is directed away from hazard lands, consistent with the PPS 2020 and CA regulations/regulatory policies. • ROP policies should ensure that climate change is considered/addressed through master planning processes, particularly for public infrastructure. Policies should address resiliency and adaptation as it relates to infrastructure and stormwater management (e.g., infrastructure should be planned/sized to accommodate more frequent, intense and longer storm events). Low Impact Development (LID) stormwater management approaches should be promoted. <p><u>Natural Heritage & Water Resource Systems</u></p> <ul style="list-style-type: none"> • Forests, wetlands, woodlands and soils act as natural carbon sinks. As such, they soak up some of the greenhouse gas emissions providing an important benefit to addressing climate change. The ROP should include policy objectives related to the protection of the NHS, water resource system and urban forest for carbon sequestration benefits. • Embed the concept of natural infrastructure (natural assets) in the ROP, for the services and benefits the natural system provides for mitigating climate change (e.g. flood attenuation, carbon sequestration, thermal impacts) and increasing resiliency to climate change impacts (see the Municipal Natural Assets Initiative at MNAI.ca). • Policies that support land dedication to ensure natural areas are secured and protected in perpetuity. • Policies to support recreational and connected greenspaces, such as conservation areas and other publicly owned and accessible greenspaces across the region.

Discussion Question	Response
	<ul style="list-style-type: none"> • Selecting a growth concept that protects the NHS over the long term, and that supports the development of more compact, mixed-use and transit-oriented communities, and minimizes the need for any urban boundary expansions. • ROP policy direction should continue to support Watershed and Subwatershed planning and require climate-change related issues to be considered/addressed at the watershed scale, through future and ongoing studies. Watershed Planning supports better understandings of and maintenance of functioning and resilient ecosystems at the watershed level. • The ROP should include specific targets and monitoring policies to track if/how targets are being met. Given CH's role as a watershed management agency, CH has monitoring data and expertise that would benefit the Region in setting ecological and water quality and quantity targets. CH staff would be pleased to provide support to the Region in the development of climate change targets and monitoring policies. <p><u>Source Protection</u></p> <ul style="list-style-type: none"> • The ROP should include source protection related policies to address potential climate change impacts to drinking water. • While planning for growth, ROP policies should address current water stressed areas (i.e., water quantity and quality related stresses), as these stresses could worsen with climate change. Cumulative impacts of multiple water takings should also be considered.
<p>3. Halton's population is forecast to grow to one million people and accommodate 470,000 jobs by 2041. What do you think about policies to plan for climate change through more compact urban form and complete communities? In your opinion, are we growing in the right direction?</p>	<p>Yes, CH supports policies to plan for climate change through more compact urban form and complete communities, as summarized in question 2.</p>
<p>4. What do you think the Region should do to help you reduce your GHG emissions? For example, if you typically commute by car to work or school every day, what would make you consider taking transit, biking, walking?</p>	<p>The reduction of GHG emissions can be partially addressed through ROP land use policies that lead to the creation of compact, complete and transit-oriented communities.</p> <p>In order to further enable the reduction of GHG emissions, the Region should undertake a broader corporate Climate Change Strategy to address the impacts and opportunities in other program areas that are not addressed directly by land use policies in the ROP.</p> <p>For example, a Climate Change Strategy could recommend prioritization of transportation electrification, both in transit and private automobiles. Enabling residents to change the fuel source for their cars may result in a more rapid reduction in emissions, over the larger and longer-term shift from driving to transit. Policies supporting a public network of charging stations (including at Regional facilities) could have a dramatic effect on emissions, particularly in low density neighbourhoods, that cannot support transit.</p>

Discussion Question	Response
	<p>ROP can also provide direction for the Active Transportation Plan, including direction to support the protection of system of linked publicly owned greenspaces across Halton Region.</p>
<p>5. Do you think the Region should encourage and support local renewable energy sources? If so, what should be considered?</p>	<p>Yes, the Region should encourage and support local renewable energy sources.</p> <p>Similar to question 4 above, a Climate Change Strategy and/or other non-land use planning strategies may better address support for renewable energy sources, than the Regional OP.</p> <p>For example, such a strategy could include recommendations related to:</p> <ul style="list-style-type: none"> • Electrified transit vehicles could provide a source of storage for electricity produced from renewable energy sources. Policies should seek to integrate local renewable energy sources with bus storage/maintenance facilities. • The use of solar lights on municipal properties and road rights-of-way. • Programs to promote the use of renewable energy sources with the industrial commercial sector.
<p>6. Can you provide examples of opportunities to address climate change as it relates to agriculture that you would like to see in Halton?</p>	<p>Increasing local food production in the GTHA will result in fewer transportation related GHG emissions. The ROP should include a strong agricultural system framework to support local food production and related industries.</p> <p>The Region's Agriculture Strategy should continue to support agricultural landowner stewardship programs, in conjunction with other partners such as CAs. Agricultural stewardship programs contribute towards healthier agriculture systems and soils, which act as a carbon sink and help mitigate the impacts of climate change.</p>
<p>7. According to the PPS, 2020, planning authorities are required to consider the potential impacts of climate change in increasing risks associated with natural hazards (e.g. fires and floods). How can ROP policies be enhanced to address climate change impacts on natural hazards?</p>	<p>As highlighted under question 9 of the Natural Heritage System Discussion Paper, current ROP policies are limited and focused on flooding. There is an opportunity to provide stronger policies on natural hazards, including mapping.</p> <p>At a minimum, this should include strong policy direction in the ROP directing local municipalities to map natural hazards in their Official Plans. However, a visual representation of natural hazards in the Regional Plan may assist with the identification of potential constraints prior to purchase of land and/or the submission of a Planning Act application.</p> <p>As noted under question 2 of the Climate Change Discussion Paper, maintaining and enhancing policies related to watershed planning and infrastructure would also strengthen the Region's approach to addressing natural hazards and the impacts of climate change.</p>

Discussion Question	Response
<p>8. Are there additional measures the ROP should include to improve air quality?</p>	<p>Many of the approaches recommended in the discussion paper, and the feedback in the questions above related to the reduction of GHG emissions also support improving air quality.</p> <p>For example, the protection of the NHS and other greenspaces, building a compact and transit-oriented built form, promoting renewable energy, the electrification of transit and the development of electric vehicle charging stations. Therefore, we recommend the ROP and/or a climate change strategy include these directions.</p>

Rural and Agriculture System Discussion Paper

Discussion Question	Response
<p>1. Mapping options</p> <p>A. Should the updated ROP designate prime agricultural areas with a separate and unique land use designation?</p> <p>B. Are there any additional pros and cons that could be identified for any of the options?</p> <p>C. Do you have a preferred mapping option? If so, why?</p>	<p>CH's land restoration and stewardship program and goals for protecting valuable resources (including a sustainable land base) aligns with the goals of a sustainable agriculture system.</p> <p>As summarized in above under question 4 of the NHS Discussion Paper, option 2 is recommended.</p> <p>In rural areas, CH supports the use of a land use designation for the key features of the NHS used in conjunction with an overlay, to conform with the latest provincial policies, and to solve some practical challenges of implementing the NHS. A NHS designation applied to key features, paired with an overlay that triggers the need for detailed study in other areas of the system, is an effective tool to demonstrate support for agriculture in rural areas and counter any perceptions that the ROP is not supportive of agriculture and/or that environmental regulations have expanded too far, while still ensuring the natural environment is protected.</p>
<p>2. Agriculture-related uses</p> <p>A. Should the ROP permit the agriculture-related uses as outlined in the Guideline on Permitted Uses in Ontario's Prime Agricultural Areas in its entirety?</p> <p>B. What additional conditions or restrictions should be required for any agriculture-related uses?</p> <p>C. Should some uses only be permitted in the Rural Area as opposed to Prime Agricultural Lands?</p>	<p>The ROP should continue to include policies to manage the interface between agriculture-related uses and key features of the NHS.</p>
<p>3. On-farm diversified uses</p>	<p>The ROP should continue to include policies to manage the interface between on-farm uses and key features of the NHS.</p>

Discussion Question	Response
<p>A. Should the ROP permit on-farm diversified uses as outlined in the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas in its entirety?</p> <p>B. What additional conditions or restrictions should be required for any on-farm diversified uses?</p> <p>C. The Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas limit on-farm diversified uses to no more than 2 percent of the farm property on which the uses are located to a maximum of 1 ha. As well, the gross floor area of buildings used for on-farm diversified uses is limited (e.g. 20 percent of the 2 percent). Are these the appropriate size limitations for Halton farms?</p>	
<p>4. To what extent should the updated ROP permit cemeteries in:</p> <p>A) Urban areas</p> <p>B) Rural areas</p> <p>C) Prime agricultural areas</p> <p>Explain the criteria e.g. factors that are important to you, that should be considered when evaluating cemetery applications for each?</p>	<p>CH supports the inclusion of policies in the ROP to direct the siting of this land use. Regardless of the area that cemeteries are permitted in, we recommend including policies to establish clear criteria for the siting of cemeteries outside of natural hazard and natural heritage areas.</p>
<p>5. Do the AIA policy requirements in the ROP sufficiently protect agricultural operations in the Prime Agricultural Area and Rural Area? If not, what additional requirements do you think are needed</p>	<p>No comment from CH.</p>
<p>6. Should the requirements for an AIA be included in any other new or existing ROP policies?</p>	<p>No comment from CH.</p>
<p>7. Should special needs housing be permitted outside of urban areas and under what conditions?</p>	<p>No comment from CH.</p>
<p>8. Are there any additional considerations or trends that Halton Region should review in terms of the Rural and Agricultural System component of the ROP?</p>	<p>No comment from CH.</p>

North Aldershot Planning Area Discussion Paper

Discussion Question	Response
1. Given the environmental and other provincial policy constraints, what are appropriate future land uses that should be permitted in the North Aldershot Planning Area?	Given natural heritage, natural hazard and other provincial policy constraints, land uses associated with NHS and rural land use designations are appropriate in North Aldershot, as outlined in the discussion paper.
2. Are there any additional considerations or trends that Halton Region should review in terms of the North Aldershot Planning Area review of the ROP?	<p>Grindstone Creek and its tributaries traverse much the North Aldershot area. As such, the erosion and flooding hazards associated with Grindstone Creek and its tributaries, as well as any CH regulatory allowance, may influence development limits in this area. Both natural heritage features/areas and natural hazard lands need to be considered when identifying what is developable vs. non-developable. Any new policies for the North Aldershot area should address natural hazards.</p> <p>As noted under question 7, the ROP should include policies to support the Cootes to Escarpment EcoPark System, in order to better protect, restore and connect the natural lands in this biodiversity hotspot.</p>

Regional Urban Structure Discussion Paper

Discussion Question	Response
1. How can the Regional Official Plan further support the development of Urban Growth Centres?	The ROP should acknowledge the need to identify potential constraints to development within Urban Growth Centre if hazard lands are identified (or if the nature/extent of hazard is greater than previously thought) through future Area Specific Plans and other comprehensive planning processes.
2. Should the Region consider the use of Inclusionary Zoning in Protected Major Transit Station Areas to facilitate the provision of affordable housing?	No comment from CH.
3. Should the Region consider the use of the Protected Major Transit Station Areas tool under the Planning Act, to protect the Major Transit Station Areas policies in the Regional Official Plan and local official plans from appeal? If so, should all Major Transit Station Areas be considered or only those Major Transit Station Areas on Priority Transit Corridors?	No comment from CH.
4. From the draft boundaries identified in Appendix B and the Major Transit Station Area boundary delineation methodology outlined, do you have any comments on the	Hazard lands should be considered as part of the identification of MTSA boundaries. Ideally, hazard lands should be confirmed/delineated prior to the Region confirming MTSA boundaries, as part of the ROPR. However, given that this may not be possible,

Discussion Question	Response
<p>proposed boundaries? Is there anything else that should be considered when delineating the Major Transit Station Areas?</p>	<p>the ROP will need to acknowledge potential constraints to development if hazard lands are identified (or if nature/extent of hazard is greater than previously thought) through future Area Specific Planning processes.</p> <p>For example, the extent of the flood hazard in the Burlington GO MTSA and Downtown Burlington were confirmed to be substantially larger than initially thought through the City's Mobility Hubs Flood Hazard Study. Special policies will need to be developed for Burlington's OP that address the nature and extent of the hazard in those areas. Ideally, the boundaries of the MTSA's would exclude hazard lands to the extent possible. Where hazard lands are within an MTSA boundary, the ROP and/or local Official Plans should provide clear policy direction to direct development away from these areas, in keeping with the PPS.</p> <p>In 2018, CH embarked on a renewed Floodplain Mapping Program. New technologies and tools offer opportunities to provide more accurate depiction of the flood hazard. This information is important to support CH's regulatory and planning programs, infrastructure management decisions, flood forecasting and warning, emergency planning and response, prioritization of flood mitigation efforts and infrastructure design. It also provides an opportunity for CH, the Region and local municipalities to work collaboratively to identify priority areas to be mapped. CH will be engaging with municipal planning staff to initiate discussions in this regard.</p>
<p>5. How important are Major Transit Station Areas as a component of Halton's Regional Urban Structure? What is your vision for these important transportation nodes?</p>	<p>No comment from CH.</p>
<p>6. Building on the 2041 Preliminary Recommended Network from the Determining Major Transit Requirement, should corridors be identified as Strategic Growth Areas in the Regional Official Plan? Is so, should a specific minimum density target be assigned to them?</p>	<p>No comment from CH.</p>
<p>7. Should the Regional Official Plan identify additional multi-purpose and minor arterial roads in the Regional Urban Structure, not for the purposes of directing growth, but to support a higher order Regional transit network?</p>	<p>No comment from CH.</p>
<p>8. Are there any other nodes in Halton that should be identified within the Regional Official Plan from a growth or mobility perspective (i.e. on Map 1)? If so, what should the function of these nodes be and should a density target or unit yield be assigned in the Regional Official Plan?</p>	<p>No comment from CH.</p>

Discussion Question	Response
9. Are there any other factors that should be considered when assessing Employment Area conversion requests in Halton Region?	No comment from CH.
10. Are there any areas within Halton Region that should be considered as a candidate for addition to an Employment Area in the Regional Official Plan?	No comment from CH.
11. How can the Regional Official Plan support employment growth and economic activity in Halton Region?	No comment from CH.
12. What type of direction should the Regional Official Plan provide regarding planning for uses that are ancillary to or supportive of the primary employment uses in employment areas? Is there a need to provide different policy direction or approaches in different Employment Areas, based on the existing or planned employment context?	No comment from CH.
13. How can the Regional Official Plan support planning for employment on lands outside Employment Areas, and in particular, within Strategic Growth Areas and on lands that have been converted? What policies tools or approaches can assist with ensuring employment growth and economic activity continues to occur and be planned for within these areas?	No comment from CH.
14. Are there other factors, besides those required by the Growth Plan, Regional Official Plan or Integrated Growth Management Strategy Evaluation Framework that Halton Region should consider when evaluating the appropriate location for potential settlement area expansions?	<p>Similar to comment #4 above, hazard lands should be considered as part of any proposed settlement area expansion and ideally confirmed as part of ROPR. Further, we recommend that the Region consider the potential implications and/or policy options if hazard lands are identified (or if nature/extent of hazard is greater than previously thought) through future Area Specific Planning processes.</p> <p>Since greenfield areas should have no new development in hazard lands, these lands become a “take out” when identified/confirmed during the Area Specific Planning process, which impacts developable area, proposed built form and/or density targets. Challenges arise if the anticipated amount of developable land is substantially reduced through the ASP process.</p> <p>See Comment #4 above regarding CH’s Floodplain Mapping Program.</p>
15. What factors are important for the Region to consider in setting a minimum Designated Greenfield Area (DGA)	No comment from CH.

Discussion Question	Response
<p>density target for Halton Region as whole, and for each of the Local Municipalities? Should the Region use a higher minimum Designated Greenfield Area density target than the 50 residents and jobs per hectare target in the Growth Plan?</p>	
<p>16. Are there any additional considerations or trends that Halton Region should review in terms of the Regional Urban Structure component of the Regional Official Plan Review?</p>	<p>No comment from CH.</p>

Source Protection Planning Bulletin – Overview of Requirements for Plan and Assessment Report Amendments and Updates under sections 34, 35 and 36 of the Clean Water Act

October 2019

Introduction

The purpose of the Clean Water Act (CWA) is to protect Ontario's existing and future sources of drinking water as part of an overall commitment to safeguard human health and the environment. A key focus of the legislation is the preparation of science-based assessment reports and locally-developed source protection plans. The source protection plans consist of a range of policies that reduce risks to water quality and quantity.

The source protection planning process ensures that affected and interested parties have opportunities to contribute to the preparation of amendments to source protection plans and assessment reports. Source protection planning is a locally-driven, collaborative process that includes municipal, provincial and public involvement through the source protection committees (SPCs), supported by local source protection authorities (SPAs).

Plan Revisions under the Clean Water Act

The CWA enables source protection plans and assessment reports to be revised using one of four methods:

1. a locally initiated amendment under section 34;
2. a Minister ordered amendment under section 35;
3. an update resulting from the review under section 36; or
4. an amendment under section 51 of O. Reg. 287/07 for minor/administrative revisions.

The method used will depend on factors such as the level of complexity of the revisions and how time sensitive they are.

This bulletin provides guidance on the legislative requirements for making amendments to source protection plans and assessment reports under sections 34, 35 and 36 of the CWA.

The process for amendments is largely similar to the process followed when developing the initial plans and assessment reports, with a few key differences, including the importance of consulting concurrently on technical changes in an assessment report and plan revisions.

While every effort has been made to ensure the accuracy of the information in this document, it should not be construed as legal advice or relied on as a substitute for the legislation.

1. Need for Plan Amendment or Update

The SPA¹ should first consider whether the necessary revisions should be made as part of an amendment under section 34, an update under section 36 in accordance with a Minister's order, or if the revision is minor/administrative in nature (i.e. the revision would not change how the plan is being implemented), under section 51 (typographical and other changes) of O. Reg. 287/07. If an amendment is made under section 51, the SPA must publish the

¹ References to SPA are intended to be the lead SPA in a source protection region unless otherwise indicated.

amendment, and a notice describing the amendment, on the internet as soon as reasonably possible after the amendment is made. The SPA must also give a copy of the notice to the Director and to every person or body responsible for implementing a policy that is affected by the amendment and must also provide updated geospatial mapping data to the ministry. The SPA should record the rationale for the amendment and keep it on file.

Section 34 amendments are typically those with some urgency, including those that ensure new or changing municipal sources of drinking water are protected, include important information not available at the time the plan was first approved (e.g. water budgets), address new or changing land uses or infrastructure that impact vulnerable area mapping or scores, and ensure policy implementation issues are addressed.

2. Development of Plan Amendments/ Updates

When source protection plans and assessment reports are being revised, the SPA is responsible for administering the overall process; however, in practice, the SPA and SPC may continue to work together as they have in the past. The SPA may move forward with consulting on the proposed amendments if the SPA and SPC agree it is advisable (section 48 of O. Reg. 287/07). Within your source protection area or region, SPA boards may already have established a process for determining when to move forward with amendments, or locally delegated these decisions to the project manager, lead SPA, or regional management committee of SPAs in a region.

When preparing a section 34 amendment or a section 36 update, in addition to text and/or maps that are the focus of the changes, O. Reg. 287/07 requires the revisions include:

- Any changes to the list of applicable legal provisions in the Appendix of the approved plan (i.e. legal effect list)
- Summary of all consultation activities undertaken (e.g. description of who was consulted, how they were consulted, and when)
- Description of consultation methods/dates/locations (e.g. letters, newspaper notices, public meetings, etc.).

Transport Pathways

In the event a section 34 amendment is being contemplated as a result of a notice received from a municipality about a new or modified transport pathway under ss.27(3) of O. Reg. 287/07, the SPA is required to give notice of its intention to propose such an amendment (O. Reg. 287/07, ss.48(2)). This notice must be provided to the municipality that received the transport pathway proposal, the person responsible for the proposal, and any persons engaging in activities that could be affected by policies as a result of the amendment. This notice can be provided at this stage (Development of Plan Amendments) or during the next stage (Early Engagement).

New and Changing Municipal Residential Drinking Water Systems

Changes in 2018 to O. Reg. 287/07 under the CWA and the establishment of O. Reg. 205/18 under the Safe Drinking Water Act require municipalities to work with the SPA to include new

or changing municipal drinking water systems in a source protection plan before water may be provided to the public. The drinking water system owner is responsible for the work required to complete the amendment and may carry it out themselves, arrange for a consultant, or engage the SPA to complete the requirements. This includes the time and effort required to complete all technical and policy work necessary for the amendment, including consultation.

The SPA is responsible for issuing a notice to the drinking water system owner when the SPA is satisfied that the technical work set out in ss.48(1.1)(a) of O. Reg. 287/07 has been completed. Specifically, this refers to vulnerable area mapping and the identification of areas where an activity of condition would be a significant, moderate and low drinking water threat (e.g. vulnerability scores). The SPA does not approve this work but is expected to consider if the work generally aligns with the content of the approved assessment report, plan and Director's Technical Rules (i.e. is the required content present, such as maps of vulnerable areas, vulnerability scores, enumeration estimates, etc.), and notify the drinking water system owner accordingly that it is satisfied with the work.

This notice must also include a description of the amendments necessary to incorporate the new or changing system, and an indication of when the SPA will be in a position to propose the amendments, noting if the changes are being incorporated as part of an update following a review under s.36. Other work that may be necessary to complete the amendments (i.e.: updates to impervious surface or livestock density mapping, review and possible amendments to plan policies, policy timeline updates, summary of consultation activities, pre-consultation with implementing bodies and public consultation) can be completed after issuing the notice and should be documented within it.

Source Protection Programs Branch (SPPB) staff are available to review early draft technical or policy work developed by, or on behalf of, a municipality or drinking water system owner.

3. Early Engagement

Early engagement is a fundamental part of the planning process to ensure that technical reports and information that supports the assessment report changes are evaluated and meet the requirements of the Director's Technical Rules, regulation and CWA in effect at the time of the amendments/updates. During early engagement, it is important that the SPPB be engaged before technical and policy work is finalized in order to provide essential early feedback. Early engagement documents should reference which version of the Director's Technical Rules and Tables of Drinking Water Threats are used (note: SPAs are expected to use the version in effect at the time of the revisions). Key reminders about the content of early engagement submissions are located in *Appendix A*.

Early engagement provides an excellent opportunity for the SPA to inform affected municipalities that a council resolution will be *required* for locally initiated amendments (or if directed in Minister's orders under s.35 or s.36, before the amendment package can be submitted to the ministry for review and approval). See section *Municipal Endorsement* below for more details.

Early engagement with SPPB serves two main purposes:

1. General discussion on approach (i.e.: new concepts/methodology), where there is consultation and dialogue on the proposed or selected methodology for conducting technical work including the delineation of Wellhead Protection Areas / Intake Protection Zones / Issues Contributing Areas / Event Based Areas, assigning vulnerability scores, etc. This is particularly important in situations where the approach was not previously used in the assessment report or there may be some uncertainty about its suitability for the new technical work. This will help alleviate any concerns with the technical or policy work prior to you beginning pre-consultation with implementing bodies.
2. SPPB review following completion of technical work, where branch staff review and comment on the technical reports before they are finalized, on early draft assessment report text as available, and on early draft policies that will inform the revised source protection plan.

4. Pre-Consultation

As the SPA enters the pre-consultation stage, they should provide responses to outstanding comments from early engagement (and include updated technical reports, if applicable) to the SPPB as well as updated assessment report text. Pre-consultation with implementing bodies is required in all cases except for typographical and other changes set out in section 51 of O. Reg. 287/07. Implementing bodies are to be made aware of the plan and assessment report revisions and given an opportunity to provide feedback as early in the process as possible. Pre-consultation refers to the regulatory requirements within O. Reg. 287/07 (s.35 to s.39) and is listed within amended section 36 Minister's orders, to consult with impacted implementing bodies prior to conducting broader public consultation. More specifically, it refers to the requirement to send notices to persons or bodies² responsible for implementing policies, including government ministries that have obligations under the CWA (government contact information is provided in *Appendix B*). These pre-consultation requirements were applied when the plans were initially developed. Bodies responsible for implementing policies, such as affected municipalities and ministries, must be provided with the plan amendment proposal prior to public consultation, including:

- Notice of plan revisions (incl. assessment report);
- Policy text (incl. vulnerable area mapping³ or other information about where the policy will apply);
- Summary of rationale for amendments;
- Request for submission of written comments.

Depending on the extent of early engagement with municipalities, pre-consultation notices sent to affected municipalities could inform them that a council resolution will be required. The SPA can determine if it wishes to combine the notice for pre-consultation with the notice seeking a municipal council resolution. If these are combined, the SPA will need to provide a copy of the

² The regulation refers to "persons or bodies". For discussion purposes, "bodies" is used in the remainder of this bulletin.

³ Particularly when previously approved policies are being extended to new areas.

notice to the clerk of the municipality.

Pre-consultation should take place early in the process, after the core of the technical and policy work has been completed or finalized (i.e. after early engagement review and comments from SPPB). The SPA must then consider comments received and determine whether policies should be further revised prior to public consultation (it is important to build in sufficient time to address pre-consultation comments prior to commencing public consultation). The regulation requires pre-consultation when there are changes in the vulnerable area where policies apply, even if the policy text remains unchanged from the original plan approved by the Minister. It would be helpful for the pre-consultation notices to explicitly state when this is the case. For pre-consultation notices about MECP policies, please direct them to SPPB's general email (source.protection@ontario.ca) and your Liaison Officer.

5. Municipal Endorsement (Council Resolution)

Prior to conducting public consultation for locally initiated amendments under section 34, the CWA requires the SPA to obtain a municipal council resolution from each municipality affected by the amendments (if the SPA has not already done so during pre-consultation, a copy of the proposed amendments must be provided to the clerk of all affected municipalities). A municipality may be considered "affected" if it is located within a geographic area related to the amendments, and/or the municipality is responsible for taking actions or otherwise implementing source protection policies related to the amendments. During the initial plan development process, municipal council resolutions were not required, and as a result, municipalities may not be aware of this change for locally initiated amendments. It is advisable to engage municipalities early in the planning process and inform them of the need to obtain a council resolution. Doing so may help prevent potential submission delays associated with this requirement.

There is no legislative requirement to obtain a municipal council resolution as part of amendments or updates under sections 35 or 36 of the CWA, unless explicitly stated in your Minister's order. However, municipalities have the discretion to pass resolutions expressing comments on the proposed updates.

Where a municipality has provided council resolutions, the SPA must submit those to the ministry with the proposed revisions.

6. Public Consultation

The public consultation requirements for revisions are similar to those during initial plan development; however, for locally initiated amendments and s.36 orders issued to date, only one public consultation opportunity is required and there is no requirement for a public meeting. The SPA may have a public meeting depending on local circumstances and the scope and scale of the changes.

The public consultation period must be for a minimum of 35 days (or as otherwise noted in a Minister's order), and notification of this consultation must be provided to all implementing bodies, persons believed to be engaged in significant drinking water threat activities and affected municipalities. Consultation is required with First Nations with reserve land in the area affected by the amendments, and consideration for broader First Nations engagement is appropriate to help keep the lines of communication open with communities in your area and

to ensure awareness of recent developments in source water protection. When you reach out for discussions or send notices to the Chiefs of First Nations, please also copy SPPB's general email (source.protection@ontario.ca) and your Liaison Officer.

Public consultation notices for locally initiated amendments and following Minister's orders issued to date must be published on the SPA's website and in the local newspaper, and hard copies made available at one or more locations that are sufficiently accessible to give the public a reasonable opportunity to inspect the amendments or updates. Note, even if the text of the approved plan policies remains unchanged, the SPA is still required to consult if the geographic area of a given policy is extended as a result of the amendments; it is helpful for the public consultation notices to explicitly state when this is the case.

Please direct public consultation notices for MECP to the branch's general email (source.protection@ontario.ca) and your Liaison Officer.

You have local discretion to provide additional public consultation opportunities prior to finalizing the amendments.

Summary of parties to notify of posting and opportunity to comment:

- ✓ Clerk of each affected municipality
- ✓ Chief of any affected First Nations band with reserve land
- ✓ All bodies responsible for implementing policies
- ✓ Persons that could be engaging in significant threat activities
- ✓ Other miscellaneous bodies identified in O. Reg. 287/07 under ss.50(2) (e.g. Niagara Escarpment Commission, planning boards, contacts for Great Lakes water quality agreements, etc.).

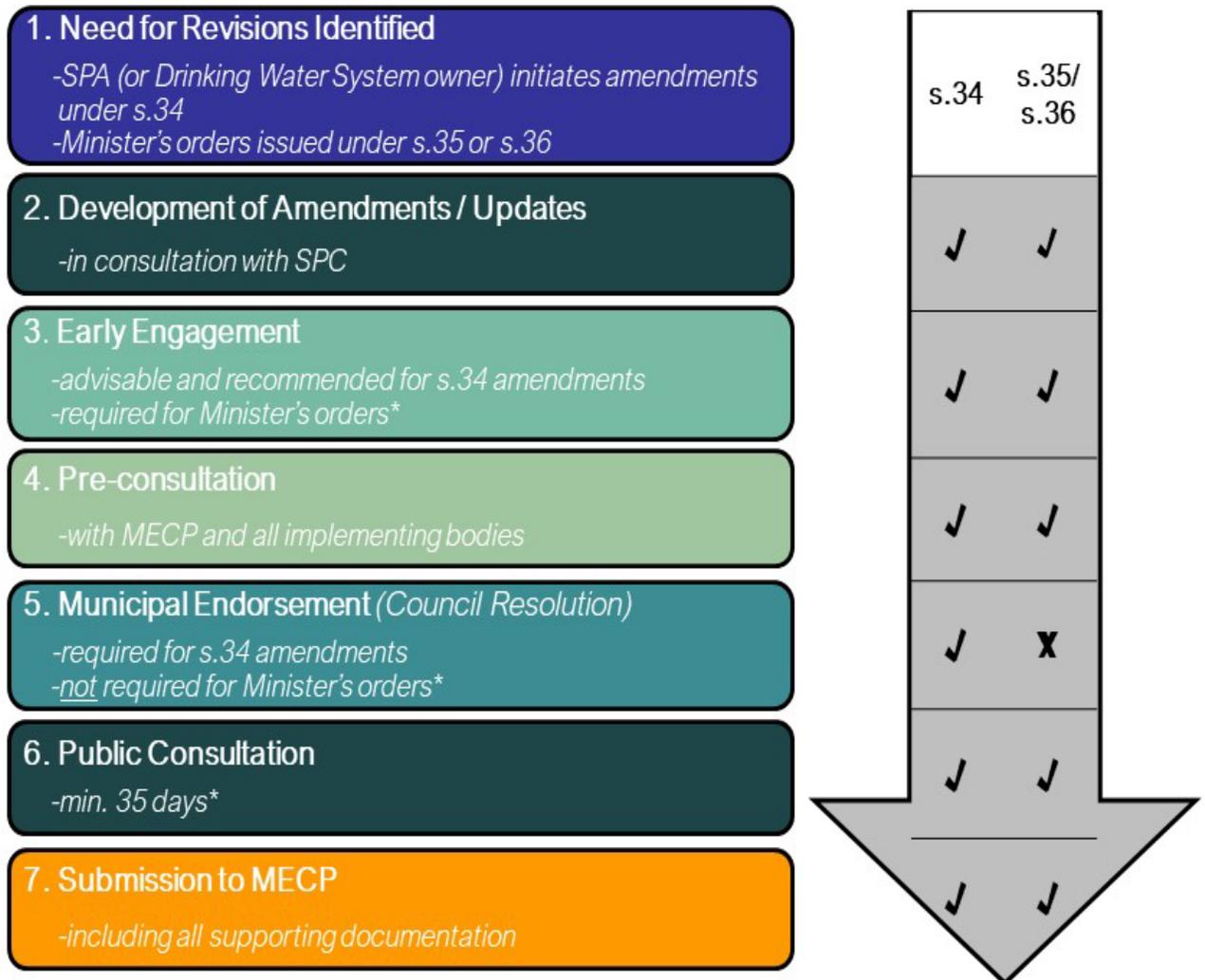
7. Submission to MECP

Following public consultation, any comments received during public consultation are to be submitted to the ministry as part of your submission package. Other submission details and supporting information for the ministry's review are outlined in *Appendices C and D*.

Appendices

- Appendix A: Reminder/Checklist at Various Stages of Amendments and Updates
- Appendix B: Consultation Contact List
- Appendix C: Supplemental Items to Facilitate Ministry's Review
- Appendix D: Submission Requirements for Assessment Report and Plan Revisions.

Figure 1: Assessment Report and Plan Revision Process under the Clean Water Act



*Note: unless otherwise specified in Minister's order